

EXHIBIT 74

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

STATE OF NORTH DAKOTA

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 1:19-cv-150-DMT-ARS

**DECLARATION OF ERICA M.
ZILIOI IN SUPPORT OF THE
UNITED STATES' RESPONSE TO
PLAINTIFF STATE OF NORTH
DAKOTA'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

I, Erica M. Zilioli, hereby declare and state as follows:

1. I am a Special Attorney to the United States Attorney General and have been, for the purposes of this case, since 2021. I am also an Assistant Counsel for Litigation and Administrative Disputes, Office of Chief Counsel, U.S. Army Corps of Engineers, and have been employed there since 2020. I am assigned to represent the interests of the United States in defending this case.

2. As part of my responsibilities in this case, I have supervised the collection of documents from the U.S. Army Corps of Engineers for production in this case to the State of North Dakota. Among those documents are the following exhibits to the United States' Response to Plaintiff State of North Dakota's Motion for Partial Summary Judgment, filed on August 4, 2023 (the "Response"): 59, 61, 62, 65, 70, and 71. Those exhibits are true and correct copies of those documents.

3. I am also aware that other agencies of the United States government have produced documents in this case. Among those documents are Exhibits 60, 66, and 67 to the

Response. Those exhibits are true and correct copies of those documents based on representations made to me that I believe are reasonable as well as the fact that they were reviewed and produced as part of this litigation and bear distinctive characteristics identifying them as records produced from those agencies, such as Bates numbers.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of August, 2023.

s/ Erica M. Zilioli
Erica M. Zilioli